THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7411 OF 1996

DATED:18-04-2006

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Between:

A. Ramachandra Reddy ..Petitioner

And

The Revenue Divisional Officer, Tirupathi, Chittoor District. and another

..Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7411 OF 1996

ORDER:

The petitioner is a resident of Maratipalem in Srikalahasti. He claims that the land in survey No.162 (263) of Karlapudi Village, Kovanur Mandal, Chittoor District, is the estate land. After abolition of estates under the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 ('the Act', for brevity), the petitioner's uncle objected for grant of patta in favour of one Panguru Venku Reddy, who filed a case under Section 56(1) of the Act. Taking this into consideration and the fact that the petitioner's family was in possession of an extent of Acs.35.00 of land in survey No.162, it is alleged that the Settlement Officer issued patta in proceedings No.SR.KHT1/56(1)/73, dated 10.08.1973. In spite of the same, the land was assigned to various persons, aggrieved by which, the petitioner's cousin allegedly filed an appeal before the Revenue Divisional Officer, who by order dated 11.08.1986 cancelled the pattas granted. The revision against the said order filed by the assignees also was dismissed. The petitioner alleges that though the grant of patta to his family is admitted, the same was not implemented in the revenue records. Therefore, he filed the present Writ Petition seeking a writ of Mandamus directing the Revenue Divisional Officer, Tirupati, and the Mandal Revenue Officer, Kavanur, to implement the patta granted to him.

A counter-affidavit is filed by the respondents. In para 4 of the counter-affidavit filed by the Mandal Revenue officer it is stated that the land in survey No.162 is the Government land, which was purchased in the revenue sale, and therefore, the Writ Petition is liable to be dismissed. It is further averred as under.

> In reply to the allegations made in para 4 of the petitioner's affidavit it is submitted that it is not correct to say that the order of the Settlement Officer, Nellore, in S.R.KHT/5601/73, dated 10.08.1973 directed the name of the petitioner should be recorded joint pattadar has become final. The Settlement Officer did not pass such order in the above S.R. while allowing the petition of Sri P.Venku Reddy he has directed to include the name of Sri P.Venku Reddy as Joint Pattadar along with late Balarami Reddy and others as if they are pattadars of land in S.No.162. Such erroneous orders are liable for revision. There are such orders of registering the name of late Balarami Reddy as joint pattadar of S.No.162 and his name has already been registered as Joint pattadar for S.No.263. There is no binding on the part of the Government in implementing the orders of the Settlement Officer as it needs revision. Besides this the land in S.No.162 became a property of the Government due to purchase in the Revenue Sale.

The counter-affidavit was served on 18.02.2002, but no reply-affidavit is filed. Be that as it is, the patta was granted initially to the uncle of the petitioner. It is un-understandable as to how the petitioner can maintain the writ petition. Secondly, even according to the petitioner, the proceedings were initiated in 1973, but he chose to file the writ petition only on 08.04.1996. The delay and laches are not properly explained. Thirdly, this Court has taken a view that a writ petition for implementation of patta granted either under the Act or the Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956, is not maintainable.

In the result, with the above reasons, the Writ Petition is dismissed. No costs.

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(V.V.S.RAO, J)

18.04.2006

GJ